

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 246 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SAVITABEN JOHNSONBHAI PRASAD

Versus

CHAIRMAN, ADARSH CO-OPERATIVE SOCIETY & OTHERS

Appearance:

MR DF AMIN for Petitioner

MR RA PATEL for Respondent No. 1 and the
added Respondents.

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/11/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. Challenge has been made by the petitioner by this Special Civil Application to the order of respondent no.2, annexure 'B' dated 4-2-1981 under which the authority who made that order declined to accept the proposal of the petitioner to cancel existing 6 mt. wide road passing through Final Plots no. 230, 231, 232, 233 and 237 of T.P. Scheme

No.1. This request has been declined on the ground that in case this request is accepted then the Final Plots no.231 and 232 would not get any road in T.P. Scheme No.1 for going out of their plots.

2. Shri R.A. Patel who has appeared for the added respondents who are the holders of the plots no. 231 and 232 makes a statement before this Court that they have no objection in case the proposal made by the petitioner is accepted. He further states that even if the proposal made by the petitioner is accepted and existing 6 mt. wide road passing through the plots aforesaid is cancelled, his clients the holders of plots no.231 and 232 will have a road in T.P. Scheme no.1 for going out of their plots. In view of the aforesaid statement made by the counsel for the added respondents, the order made by the respondent no.2, annexure 'B' cannot be allowed to stand.

3. In the result, this Special Civil Application is allowed in part and the order dated 4th February, 1981 of the respondent no.2 is set aside and the matter is sent back to respondent no.2 to consider the request of petitioner afresh in the light of the statement made by the counsel for the holders of plots no.231 and 232. Rule is made absolute in the aforesaid terms with no order as to costs.

zgs/-